

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Northern District of Texas

Case number (if known): Chapter 11

☐ Check if this is an amended filing

## Official Form 201

# Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name

Primal Materials, LLC, a Texas limited liability company

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN)

8 6 - 1 9 6 6 8 1 9

4. Debtor's address

Principal place of business

4695 S 14th St

Number Street

Abilene, TX 79605-4734

City State ZIP Code

Taylor

County

Mailing address, if different from principal place of business

Number Street

Po Box 6169

P.O. Box

Abilene, TX 79608-6169

City State ZIP Code

Location of principal assets, if different from principal place of business

3022 CR 282

Number Street

Abilene, TX 79606

City State ZIP Code

5. Debtor's website (URL)

https://primalllc.com

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor Primal Materials, LLC, a Texas limited liability company  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

*A. Check one:*

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

*B. Check all that apply:*

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

*C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.*

3 3 3 1

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

A debtor who is a "small business debtor" must check the first subbox. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box

*Check one:*

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. *Check all that apply:*

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- ☐ Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

☒ No

☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

If more than 2 cases, attach a separate list.

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

☒ No

☐ Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_

List all cases. If more than 1, attach a separate list.

District \_\_\_\_\_ When \_\_\_\_\_  
MM / DD / YYYY  
Case number, if known \_\_\_\_\_

Debtor Primal Materials, LLC, a Texas limited liability company Case number (if known) \_\_\_\_\_  
Name

**11. Why is the case filed in this district?**

Check all that apply:

☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard?  
\_\_\_\_\_

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other \_\_\_\_\_

**Where is the property?** \_\_\_\_\_

Number Street

City State ZIP Code

**Is the property insured?**

☐ No

☐ Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds?**

Check one:

☐ Funds will be available for distribution to unsecured creditors.

☒ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

**14. Estimated number of creditors**

☒ 1-49 ☐ 50-99 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 25,001-50,000 ☐ 50,000-100,000  
☐ 100-199 ☐ 200-999 ☐ 10,001-25,000 ☐ More than 100,000

**15. Estimated assets**

☐ \$0-\$50,000 ☐ \$1,000,001-\$10 million ☐ \$500,000,001-\$1 billion  
☐ \$50,001-\$100,000 ☐ \$10,000,001-\$50 million ☐ \$1,000,000,001-\$10 billion  
☒ \$100,001-\$500,000 ☐ \$50,000,001-\$100 million ☐ \$10,000,000,001-\$50 billion  
☐ \$500,001-\$1 million ☐ \$100,000,001-\$500 million ☐ More than \$50 billion

Debtor Primal Materials, LLC, a Texas limited liability company Case number (if known) \_\_\_\_\_  
Name

- 16. Estimated liabilities**
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million           | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million          | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million         | <input type="checkbox"/> More than \$50 billion        |

## Request for Relief, Declaration, and Signatures

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

- 17. Declaration and signature of authorized representative of debtor**
- The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
  - I have been authorized to file this petition on behalf of the debtor.
  - I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 06/12/2023  
MM/ DD/ YYYY

**X** /s/ Victor John Hirsch, III Victor John Hirsch, III  
Signature of authorized representative of debtor Printed name  
Title Member/Manager

**18. Signature of attorney** **X** /s/ Joseph F. Postnikoff Date 06/12/2023  
Signature of attorney for debtor MM/ DD/ YYYY

Joseph F. Postnikoff  
Printed name

Rochelle McCullough, LLP  
Firm name

300 Throckmorton St Ste 520  
Number Street

Fort Worth TX 76102-2929  
City State ZIP Code

(817) 347-5260 jpostnikoff@romclaw.com  
Contact phone Email address

16168320 TX  
Bar number State

Fill in this information to identify the case:

Debtor name Primal Materials, LLC, a Texas limited liability company

United States Bankruptcy Court for the:

Northern District of Texas

Case number (if known): \_\_\_\_\_

☐ Check if this is an amended filing

## Official Form 204

### Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	ALJR Ventures, LLC 5010 Yellowstone Trail Abilene, TX 79602	Charles M. Walls lawoffice@chasewallsllaw.com	Security Agreement		\$674,674.00	\$185,000.00	\$489,674.00
2	CBS Insurance 3005 S. Treadaway Blvd. Abilene, TX 79602		Insurance Audit				\$9,096.00
3	First Insurance Funding PO Box 7000 Carol Stream, IL 60197-7000		Insurance Premium Financing				\$18,348.00
4	Fundthrough USA, Inc. 3730 Kirby Drive 1200 Houston, TX 77098		Security Agreement		\$157,187.78	\$185,000.00	\$157,187.78
5	M&M Business Solutions, LLC 4400 Buffalo Gap Rd 3700 Abilene, TX 79606		Trade debt				\$5,015.00
6	R&R Scales 2023 US Hwy 80 E Abilene, TX 79601		Trade debt				\$2,300.00
7	Robco Lott, LLC Po Box 6489 Abilene, TX 79608-6489	(325) 665-0080	Equipment Rental	Contingent Disputed Unliquidated			\$516,134.56
8	Schlucht Trucking, LLC 11430 Private Road Abilene, TX 79602		Trade debt				\$28,137.83

Debtor Primal Materials, LLC, a Texas limited liability company  
Name

Case number (if known) \_\_\_\_\_

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	Texas Oil Electric, Inc. 1590 East Hwy 80 Abilene, TX 79601		Trade debt				\$1,500.00
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

IN RE: Primal Materials, LLC, a Texas limited  
liability company

CASE NO

CHAPTER 11

**VERIFICATION OF CREDITOR MATRIX**

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date 06/12/2023

Signature /s/ Victor John Hirsch, III  
Victor John Hirsch, III, Member/Manager

ALJR Ventures, LLC  
5010 Yellowstone Trail  
Abilene, TX 79602

CBS Insurance  
3005 S. Treadaway Blvd.  
Abilene, TX 79602

First Insurance Funding  
PO Box 7000  
Carol Stream, IL 60197-7000

Fundthrough USA, Inc.  
3730 Kirby Drive 1200  
Houston, TX 77098

Internal Revenue Service  
Special Procedures-Insolvency  
P.O. Box 7346  
Philadelphia, PA 19101

M&M Business Solutions, LLC  
4400 Buffalo Gap Rd 3700  
Abilene, TX 79606

Primal Crushing, LLC, a Texas  
Limited Liability Company  
4695 S 14th St Ste 301f  
Abilene, TX 79605-4734

R&R Scales  
2023 US Hwy 80 E  
Abilene, TX 79601



Robco Lott, LLC  
Po Box 6489  
Abilene, TX 79608-6489

Schlucht Trucking, LLC  
11430 Private Road  
Abilene, TX 79602

Texas Comptroller Of Public  
Accounts  
State Comptroller of Public Accounts  
Revenue Accounting Division-Bankruptcy  
Section  
P.O. Box 13528  
Austin, TX 78711

Texas Oil Electric, Inc.  
1590 East Hwy 80  
Abilene, TX 79601

Texas Workforce Commission  
TEC Building- Bankruptcy  
101 E. 15th Street  
Austin, TX 78778

Charles M. Walls  
1181 Lytle Way  
Chase & Walls, PLLC Suite A  
Abilene, TX 79604-0726

Fill in this information to identify the case:

Debtor name Primal Materials, LLC, a Texas limited liability company

United States Bankruptcy Court for the:

Northern District of Texas

Case number (if known): \_\_\_\_\_

☐ Check if this is an amended filing

## Official Form 202

### Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING** – Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

#### Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *A Summary of Assets and Liabilities for Non-Individuals* (Official Form 206A-Summary)
- ☐ *Amended Schedule* \_\_\_\_\_
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 06/12/2023  
MM/ DD/ YYYY

X /s/ Victor John Hirsch, III  
Signature of individual signing on behalf of debtor

Victor John Hirsch, III  
Printed name

Member/Manager  
Position or relationship to debtor

## RESOLUTION

I, Victor John Hirsch, III, the undersigned, Member/Manager of Primal Materials, a Texas limited liability company, (the "Company"), do hereby certify that at a meeting of the members of the Company duly called and held on the 7<sup>th</sup> day of June, 2023, the following resolutions were adopted and recorded in the minute book of the Company after full discussion by the members on the matters to which the resolution applies, and they have not been modified or rescinded, and are still in full force and effect. Notice of the meeting was sufficient in all respects.

"RESOLVED, that notice of this meeting of the members is approved by all members of the Company and all notices and formal items related to this meeting are waived by the members; and it is

"FURTHER RESOLVED, that in the judgment of the members of the Company, it is desirable and in the best interests of the Company, its creditors, and other interested parties, that a petition be filed by the Company seeking relief under the provisions of Chapter 11, title 11 of the United States Code (the "Bankruptcy Code"); and it is

"FURTHER RESOLVED, that the Manger is hereby authorized to execute and verify such petition and all other documents associated therewith and cause the same to be filed, and to take such other action as is appropriate or necessary to seek relief under Chapter 11 of the Bankruptcy Code, and that the execution and verification of the petition is hereby ratified and adopted; and it is

"FURTHER RESOLVED, that the Company shall retain and employ all assistance by legal counsel or otherwise as deemed necessary and proper to secure for the benefit of the Company any and all relief to which it may be entitled under Chapter 11 of the Bankruptcy Code; and the Company shall engage and continue the engagement of Rochelle McCullough, LLP, as legal counsel in connection with the reorganization of the Company and to pay a retainer fee to that law firm to be agreed upon by the Manager of the Company."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Company on this the 12<sup>th</sup> day of June, 2023.

By: /s/ Victor John Hirsch, III  
Victor John Hirsch, III, Member/Manager

Joseph F. Postnikoff  
State Bar No. 16168320  
Email: [jpostnikoff@romclaw.com](mailto:jpostnikoff@romclaw.com)  
ROCHELLE McCULLOUGH, LLP  
300 Throckmorton Street, Suite 520  
Fort Worth, Texas 76102  
Telephone – 817.347.5260  
<http://www.romclaw.com>

PROPOSED COUNSEL FOR DEBTOR IN POSSESSSION

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

IN RE:	§	Case No. _____
	§	
PRIMAL MATERIALS, LLC, a Texas	§	In Proceedings Under Chapter 11
limited liability company,	§	
	§	
Debtor.	§	

**CORPORATE OWNERSHIP STATEMENT [Rules 1007(a)(1) and 7007.1]**

Pursuant to Rules 1007(a)(1) and 7007.1 of the Federal Rules of Bankruptcy Procedure,  
there are no entities to report.